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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,079	06/20/2001	Stefan Leo Jozef Masure	JAB-1458	7899

7590 09/20/2005

Philip S Johnson
Johnson & Johnson
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EXAMINER

PRIEBE, SCOTT DAVID

ART UNIT	PAPER NUMBER
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1633

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/869,079

EXAMINER

ART UNIT

PAPER

20050914

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on 8/31/05 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s). See 37 CFR 1.111.

Applicant has not properly responded to the objection to the specification regarding errors in SEQ ID NO: 2. These errors were present in the paper copy and CRF of the Sequence Listing filed 6/30/04, and re-submission of the paper copy and CFR of the Sequence Listing filed 6/30/04 does not correct the error. In summary, to correct SEQ ID NO: 2 nucleotide 1430 should be changed from "A" to --G-- and an --A-- should be added as nucleotide 1437. In addition, the computer readable form (CRF) of the sequence listing submitted 8/31/04 could not be processed by the Scientific and Technical Information Center (STIC) for the reason(s) set forth on the attached CRF Diskette Problem Report. Appropriate correction is required. Such correction will require the submission of substitute computer readable form (CRF) of the Sequence Listing; a substitute paper copy of the Sequence Listing, as well as an amendment directing its entry into the specification; and a statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d). Applicants are required to comply with all of the requirements of 37 C.F.R. §§ 1.821 through 1.825. Any response to this Office Action which fails to meet all of these requirements will be considered non-responsive.

The substitute specification filed 8/30/05 has not been entered because it does not conform to 37 CFR 1.125 (b) and (c) because the substitute specification included the original claims and a proper marked-up copy of the substitute specification has not been supplied. The marked-up copy of the substitute specification, provided 8/31/05, refers to corrections to a version of the specification other than that originally filed specification. Most of the changes in the substitute specification refer to deletion of text that did not appear in the original specification as filed. For example, Aakt-3₂ does not appear on page 1, line 5 of the original specification, which recites "Akt-3" here. Also, Applicant has filed replacement drawings on 8/31/05, which correspond to the original drawings filed in the PCT and in the National Phase application. These drawings are acceptable and have been entered. However, the substitute specification has been amended to delete the description of Fig. 1, and alter the numbering of subsequent figures accordingly. Finally, the amendments to the specification filed 10/3/03 and 6/30/04 cannot be entered into the substitute specification filed 8/31/05 because the page and line numbers referred to in the amendments do not refer to the corresponding page and lines numbers of the substitute specification filed 8/31/05. Also, the two amendments do not fully agree with the original specification or with one another, i.e. if the amendment of 10/3/03 were entered first, then the some of the changes referred to in the 6/30/04 amendment could not be made. Consequently, the substitute specification and the request to enter the amendment of 10/3/03 and 6/30/04 does not properly respond to the objection to the specification at the bottom of page 5 of the Office action of 5/27/05.

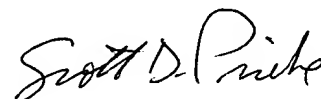
Should Applicant wish to submit a new substitute specification, Applicant is encouraged to find an accurate copy of the originally filed specification. Also: 1) the marked-up copy should show corrections made to the originally filed specification; 2) the substitute specification should not include claims or drawings or abstract; 3) the substitute specification should include a 'Brief Description' of all current figures (i.e. Figs. 1-8, as filed in the PCT); 4) the substitute specification should not include the sheet

entitled "Document Comparison"; and 4) the substitute specification should include all amendments to the specification that have been entered up to this point, including the amendment filed 8/31/05. The substitute specification may also include the amendments proposed in the amendment filed 6/30/04 (but not the amendment of 10/3/03) except the changes in the first paragraph (identified as page 3, line 20), which should be the description for Figure 2, not Figure 1, and except for the change shown in the first line of page 3 of the 6/30/04 amendment. The text indicated as being deleted here does not appear in the original specification; the original specification recites "manufacturer's" at the corresponding location.

In addition, the amendments to claims 9 and 17 do not fully address the objection to these claims. Claim 9 should be amended to recite --An expression vector ... the nucleic acid molecule ...--. Claim 17 should be amended to recite -- ... the expression vector...--.

In addition, Applicant has submitted three documents that had been listed on the PTO-1449 filed 2/26/02, but for which copies were not provided. If Applicant wishes these documents to be considered, they must be listed in a separate supplemental Information Disclosure Statement that complies with 37 CFR 1.97(c)(2), i.e. it must include the fee specified under 37 CFR 1.17(p). Furthermore, should Applicant wish these documents to be listed in the face of a patent, they should be listed on a new PTO-1449.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**



Scott D. Priebe, Ph.D.
Primary Examiner
Art Unit: 1633

STIC Biotechnology Systems Branch

CRF Problem Report

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/869,079C
Filing Date: 6/20/01
Date Processed by STIC: 9/2/05

STIC Contact: Mark Spencer: Telephone: 571-272-2510; Fax: 571-273-0221

Nature of CRF Problem:

- ☐ (circle one) Damaged or Unreadable (for Unreadable, see attached)
☐ Blank (no files on CRF) (see attached)
☐ Empty file (filename present, but no bytes in file) (see attached)
☐ Wrong file saved to CRF (invention title, docket number, or applicant(s) do not match those in official application) (see attached)
☐ Not saved in ASCII text
☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should only be the Sequence Listing.
☐ Did not contain a Sequence Listing. (see attached sample)

☒ Other:

non-ASCII character appeared in sequence 16 - this could be due to a bad disk sector

PLEASE USE THE CHECKER VERSION 4.3.1 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

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2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street,
Alexandria, VA 22314

Revised 08/30/05

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DATE: 09/02/2005
TIME: 15:34:32

[illegible]

→ do NOT include this information in the sequence listing file